

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CFGENOME, LLC, a Delaware limited
liability company; and DR. M. ROHAN
FERNANDO, an individual;

Plaintiffs,

vs.

STRECK, INC.,

Defendant.

4:16CV3130

AMENDED PROGRESSION ORDER

The parties' have requested for an order resuming the progression of this case and amending the current progression schedule. (Filing No. 98).

IT IS ORDERED that the parties motion, (Filing No. 98), is granted and the progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on January 21, 2020, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on January 7, 2020 at **10:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on January 3, 2020.
- 3) The deadline for moving to amend pleadings or add parties is December 21, 2018.

- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is May 27, 2019. Motions to compel Rule 33 through 36 discovery must be filed by July 12, 2019.
Note: Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 5) The deadline for all written discovery responses and supplements to responses is
 - a. July 31, 2018 for all discovery requests served before entry of the Parties' Stipulated Protective Order.
 - b. June 26, 2019 for all other discovery requests.
- 6) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
 - a. Expert witnesses for claims on which the party bears the burden of proof: October 26, 2018.
 - i. Objection to identified expert witnesses: November 9, 2018.
 - b. Rebuttal expert witnesses: March 20, 2019.
 - i. Objection to identified rebuttal expert witnesses: April 12, 2019.
- 7) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
 - a. Expert witnesses for claims on which the party bears the burden of proof: March 15, 2019;
 - b. Rebuttal expert witnesses: July 26, 2019.
- 8) The deposition deadline is August 16, 2019.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is October 11, 2019.

- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 11, 2019.

Dated this 25th day of June, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge